IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

Writ Petition No.1618 of 2006

Ajit Shamji Popat & ors. Petitioners

Vs.

Manoj Manoharrao Shinde & ors. Respondents

Mr.V.R.Dhond with Mr.A.L.Thakkar i/b. M/s.Thakkar & Co. for petitioners.

Mr.A.A.Kumbhkoni, Sr.Counsel with Mr.A.M. Kulkarni for Resp.No.1.

CORAM: B.H.MARLAPALLE,J.

June 19, 2006.

P.C.

. Heard the learned counsel for the petitioners.

The impugned order passed by the Asst. Charity Commissioner on 20/12/2005 has turned down the application filed under Section 5 of the Limitations Act, 1963 to condone the delay in filing the change report.

. There is no dispute that the change report was filed beyond the time ranging from 3 years to 9 years and the reasons set out in support of the application for condonation of delay were, inadvertence,

negligence of the secretary of the trust viz. Hindu Dharmshala and Sanatorium, Miraj and bona fide belief of the petitioners that the provisions of law permit filing of such change report even belatedly. It is also submitted that the status of the petitioners as the validly nominated trustees in place of the earlier trustees who are no more cannot be questioned.

. The learned Asst. Charity Commissioner has considered the explanation furnished in support of the application for condonation of delay and in fact the explanation so furnished does not make out a case to find fault with the impugned order passed by the Asst. Charity Commissioner. He is right in holding that the delay varying from 3 to 9 years was not explained satisfactorily and there were no good and sufficient reasons made out to condone the delay. Hence the challenge to the said order must fail in the supervisory jurisdiction of this Court under Article 227 of the Constitution.

. The petition is rejected summarily and it is clarified that the petitioners or the trust is not prevented from passing fresh resolution for

appointment of additional trustees or to fill in the vacancies on the board of trustees as per the bye-laws of the trust.

(B.H.MARLAPALLE,J.)